

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

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**IN RE:           RONALD HOWARD BERRYMAN, JR.,  
                  Debtor**

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**Case No. 11-15066-SDR  
Chapter 13**

**RESPONSE TO OBJECTION TO CLAIM 4 OF CITIMORTGAGE**

Comes now CitiMortgage, Inc. ASF Flagstar Bank, (hereinafter “Citi”) and responds to the Objection to Claim 4 of CitiMortgage, filed by the Debtor, Ronald Howard Berryman, Jr. In support of its Response, Citi would state the following:

1. Citi agrees with the averment in paragraph 1 of Debtor’s Objection. Citi has subsequently amended its claim to include the appropriate property description which is included on the Schedule A.
2. Citi agrees with the averments in paragraph 2 of Debtor’s Objection.
3. Citi agrees that the confirmed Chapter 13 plan treats Citi and its claim as a general unsecured creditor. However, this is based on the allegation that the security deed is unperfected. The amended proof of claim shows that Citi’s claim is properly perfected and Debtor would be required to file an adversarial proceeding or file some further action in order to strip Citi’s lien from the property.
4. Citi agrees with the averments in paragraph 4 of Debtor’s Objection. Citi is a secured creditor whose claim is secured only by an interest in real property that is the Debtor’s principal residence. Citi has made advances for property taxes and hazard insurance premiums, and it is entitled to reimbursement for those expenses from the Debtor under the deed of trust and note. Debtor must continue to list Citi as a loss payment on the hazard insurance policy under the deed of trust and note.

WHEREFORE, Citi requests that this Honorable Court deny the Debtor's requested relief in his Objection and that Citi's claim be allowed as secured.

Respectfully Submitted,

/s/ Kimberly C. Hedrick  
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Attorneys for CitiMortgage, Inc. ASF Flagstar Bank

**CERTIFICATE OF SERVICE**

On October 3, 2012, copies of the foregoing Response to Objection to Claim 4 of CitiMortgage were served electronically through the electronic case filing system (ECF) or by U.S. Mail, postage prepaid upon:

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/s/ Kimberly C. Hedrick  
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